

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD LEE CARMICHAEL,

Plaintiff,

v.

WILLIAM RILEY, *et al.*,

Defendants.

Case No. C06-5542 RJB/KLS

ORDER DENYING PLAINTIFF'S
MOTION TO CORRESPOND WITH
WASHINGTON STATE PRISONERS
AS PREMATURE

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1)(B) and Local MJR 3 and 4. Presently before the Court is Plaintiff's Motion to Correspond with Washington State Prisoners (Dkt. # 12). Having reviewed the motion and Defendants' response, the Court finds that the motion should be denied at this time as premature.

I. DISCUSSION

Plaintiff is a Washington State DOC inmate currently residing at Ely State Prison in Nevada under an interstate compact. (Dkt. # 7). Plaintiff claims that his Fifth, Eighth and Fourteenth Amendments were violated because he believes that Defendant Riley told information to other inmates about the Plaintiff. (*Id.*). Plaintiff requests the Court to order the Washington DOC to allow him to correspond with other Washington state inmates because he is currently housed out of state and has no other way of contacting these other inmates or obtaining affidavits from them. Plaintiff states that will assist him in discovering who, in addition to Defendant Riley, provided false

1 information about him in an attempt to place his life in danger. Plaintiff also states that the requested
2 correspondence will not raise security concerns as the correspondence will go through all proper
3 prison channels.

4 Defendants advise that an inmate may be granted permission to contact other inmates. DOC
5 Policy 450.100, Mail for Offenders allows for inmates to correspond with other inmates in particular
6 circumstances. (Dkt. # 13, Exh. 1, Attach. A, DOC Policy Directive 450.100, Mail for Offenders at
7 2). Specifically, the Superintendents at the facilities can provide approval if an inmate submits a
8 request in writing. (Id.). A specific request is required before the inmates are allowed to correspond.
9 (Id.). To date, the Plaintiff has not made any request to correspond with any other individuals in
10 DOC custody. (Id.). Plaintiff has not identified which individuals he wishes to correspond with or
11 the nature of the information he seeks.

12 Prison officials may prohibit correspondence between inmates based on security concerns.
13 *See Turner v. Safley*, 482 U.S. 78, 93 (1987). The Court finds requiring Plaintiff to first identify the
14 inmates with whom he wishes to correspond and to make specific written requests in accordance
15 with DOC policy directives is not unreasonable. Accordingly, Plaintiff's motion (Dkt. # 12) is
16 **DENIED as premature.**

17 The Clerk is directed to send copies of this order to Plaintiff and counsel for Defendants.

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19 DATED this 12th day of January, 2007.

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22 Karen L. Strombom
23 United States Magistrate Judge
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